

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS HAKES, M.D., RESPONDENT

No. 02-98-245

SETTLEMENT AGREEMENT and CONSENT ORDER

COMES NOW the Iowa Board of Medical Examiners (the Board), and Thomas Hakes, M.D., (Respondent), on September 21, 2000, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), and enter into this Settlement Agreement and Final Order to resolve the contested case currently on file.

1. Respondent was issued license number 21510 to practice medicine and surgery in Iowa on July 1, 1979.
2. Respondent's Iowa medical license is valid and will next expire on December 1, 2001.
3. A Statement of Charges was filed against Respondent.
4. Respondent filed an answer.
5. The Board has jurisdiction over the parties and subject matter.

6. Respondent is hereby **CITED** for failing to report knowledge of another licensee's professional misconduct in a timely manner. Respondent is hereby **WARNED** that failing to timely report knowledge of wrongful acts or omissions of another Iowa licensed physician in the future could result in further formal disciplinary action.

7. Upon the Board's approval of this Settlement Agreement and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$2,500. The civil penalty shall be paid within 20 days thereafter by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the state general fund.

8. In the event Respondent violates or fails to comply with any of the terms or conditions of this Settlement Agreement and Consent Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

9. This Settlement Agreement and Consent Order constitutes the resolution of a contested case proceeding.

10. By entering into this Settlement Agreement and Consent Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

11. This Settlement Agreement and Consent Order is voluntarily submitted by Respondent to the Board for consideration.

12. This Settlement Agreement and Consent Order is subject to approval of the Board. If the Board fails to approve this Settlement Agreement and Consent Order, it shall be of no force or effect to either party.

13. The Board's approval of this Settlement Agreement and Consent Order shall constitute a **Final Order** of the Board.

Thomas E Hakes, MD

Thomas Hakes, M.D., Respondent

Subscribed and sworn to before me on August 17, 2000.

Brenda Best
Notary Public, State of *Iowa*

This Settlement Agreement and Consent Order is approved by the Board on

September 21, 2000.

Dale R. Holdiman MD

Dale R. Holdiman, M.D., Chairperson

Iowa Board of Medical Examiners

400 SW 8th Street, Suite C

Des Moines, IA 50309-4686

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS HAKES, M.D., RESPONDENT

No. 02-98-245

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medical Examiners (the Board), on

September 21, 2000, and files this Statement of Charges against Thomas Hakes, M.D., (Respondent), a physician licensed pursuant to Chapter 147 of the 1999 Code of Iowa and alleges:

1. Respondent was issued license number 21510 to practice medicine and surgery in Iowa on July 1, 1979.
2. Respondent's Iowa medical license is valid and will next expire on December 1, 1999.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147,148 and 272C.

COUNT I

4. Respondent is charged under the 1999 Code of Iowa section 272C.9 (2) and 653 IAC Section 12.3 (1999), with failure to report knowledge of wrongful acts or omissions of an Iowa licensed physician within the required thirty day period.

CIRCUMSTANCES

5. The Board received information indicating that between February 21, 1992 and August 27, 1998, Respondent, had knowledge of professional misconduct by Milton F. Austin, M.D., an Iowa licensed physician. Respondent did not report this misconduct to the Board in a timely manner as required by Iowa law.

6. On August 27, 1998, the Board summarily suspended Dr. Austin's Iowa medical license based on allegations of sexual misconduct with patients, employees and co-workers and the use of illegal drugs. On May 27, 1999, the Board indefinitely suspended Dr. Austin's Iowa medical license.

On this the September 21, 2000, the Iowa Board of Medical Examiners finds probable cause to file this Statement of Charges.

Dale R. Holdiman MD
Dale R. Holdiman, M.D., Chair
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686